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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/840,121	05/06/2004	Clay von Mueller	04-SEM/111	7230
22890	7590	03/22/2006	EXAMINER	
RICHARD D. CLARKE LAW OFFICE OF RICHARD D. CLARKE 3755 AVOCADO BLVD., #1000 LA MESA, CA 91941-7301			PWU, JEFFREY C	
			ART UNIT	PAPER NUMBER
			2143	

DATE MAILED: 03/22/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/840,121

Applicant(s)

VON MUELLER ET AL.

Examiner

Jeffrey C. Pwu

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 2/13/06 Election.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-44 is/are pending in the application.
- 4a) Of the above claim(s) 13-44 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Election/Restrictions***

1. Applicant's election without traverse of claims 1-12 in the reply filed on February 13, 2006 is acknowledged. Claims 13-44 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to nonelected claims.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-12 are rejected under 35 U.S.C. 102(b) as being anticipated by Ogasawara (U.S. 6,123,259).

Ogasawara teaches claims:

1. A combination wireless and wired secure token access distributed network system comprising:

a) data token means for storing data, including unique customer identifier data; (“customer ID card”; fig.2)

b) one or more data collection and transmission node means that has a data memory for storing the location of said data collection and transmission means, for reading and inputting the data token data and extracting the customer identifier data, including location identifier data where

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said data token data collection and transmission means is in use, and transmitting said data; (5 – “mobile personal shopping terminal”; 15 – “universal product code (UPC) bar code scanner”; col.6, line 25 – “An additional I/O device is provided on the mobile personal shopping terminal 5 in the form of an IC card interface unit 60, configured to read information from and write information to an IC, or smart card. As will be developed in greater detail below, the IC card and card interface unit 60, in combination, provides a suitable means for a customer to transport pertinent data to and from a retail facility and exchange that pertinent data with the facility through use of the mobile personal shopping terminal 5 in accordance with practice of principles of the invention. While referred to as an IC card, the card is a personal memory ~2~card~12~ or data card which looks and feels much like an ordinary credit card. The IC card may be either contact based or contactless. The simplest contact-type card might be a magnetic tape storage stripe affixed in a particular location on its reverse side. Alternatively, a contact or contactless IC card may comprise a microprocessor, an electrically erasable field-programmable read-only memory (EEPROM), a Flash ROM (FROM) and, optionally, circuitry for inductively receiving an RF power signal.”)

c) one or more data access point means for receiving said transmitted data from said data collection and transmission means and extracting said unique customer identifier data and data collection and transmission means location identifier data; and (5; fig.8)

(d) network system controller means (20 – “controller unit”) for receiving the data transmitted by said data access point means and informing a user of said network controller means of the customer identifier data and the data collection and transmission means location identifier data; whereby when said network system controller is in use, it allows a user to centrally gather

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customer identifier data simultaneously with the location of the transmitting data collection and transmission node. (5, 10, 15, 20, 30, 35, 40, 50, 55)

2. The combination wireless and wired secure token access distributed network system according to claim 1, wherein said data token means includes a magnetic stripe card. ("customer ID card" , "smart card")

3. The combination wireless and wired secure token access distributed network system according to claim 1, wherein said data token means includes a chip card. ("smart card")

4. The combination wireless and wired secure token access distributed network system according to claim 2, wherein said data collection and transmission node means includes a magnetic card reader having a wireless communications transmitter. (col.5, lines 43-65)

5. The combination wireless and wired secure token access distributed network system according to claim 3, wherein said data collection and transmission node means includes a chip card reader having a wireless communications transmitter. (50; col.5, lines 43-65)

6. The combination wireless and wired secure token access distributed network system according to claim 1, wherein said one or more data access point means includes a wireless communications capability whereby all said data collection and transmission node means within

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the broadcast radius of said data access point means is in wireless communications with said data access point means. (col.5, lines 43-65)

7. The combination wireless and wired secure token access distributed network system according to claim 1, wherein said data access point means includes a hard wired communications capability whereby said network system controller means communicates with said data access point means. ("the mobile personal shopping terminal (5 of FIG. 1) either by wireless transmission through the terminal's RF transceiver, through a wired I/O port such as an RS-232 port or by means of a high-density flexible media cartridge which may be inserted into an optional floppy drive unit comprising the terminal's mass data storage unit (30 of FIG. 1). In an alternative implementation, scanned and OCR converted text character data is transferred to the store's core server (50 of FIG. 1) which, in turn, transmits the data to the mobile terminal via the terminal's RF transceiver")

8. The combination wireless and wired secure token access distributed network system according to claim 1, wherein said network system controller means includes encoding means for encoding customer identifier data onto said data token means. ("the mobile personal shopping terminal (5 of FIG. 1) either by wireless transmission through the terminal's RF transceiver, through a wired I/O port such as an RS-232 port or by means of a high-density flexible media cartridge which may be inserted into an optional floppy drive unit comprising the terminal's mass data storage unit (30 of FIG. 1). In an alternative implementation, scanned and OCR converted text character data is transferred to the store's core server (50 of FIG. 1) which, in turn, transmits the data to the

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mobile terminal via the terminal's RF transceiver”)

9. The combination wireless and wired secure token access distributed network system according to claim 1, wherein said data access point means stores the data from said data collection and transmission means in a format which is available for TCP/IP access. (“The mobile terminal may then transmit the shopping list to the store central computer using the RF communication transceiver. Alternatively, the shopping list is prepared on a customer's home personal computer system and is uploaded to the store's web site through an **Internet connection.**”)

10. The combination wireless and wired secure token access distributed network system according to claim 1, wherein said data access point means includes overlapping broadcast radiuses to enable multiple data access points to communicate with multiple data collection and transmission nodes and thereby enabling a built-in system redundancy. (col.5, lines 43-65)

11. The combination wireless and wired secure token access distributed network system according to claim 10, wherein said data access point means including overlapping broadcast radiuses to enable multiple data access points to communicate with multiple data collection and transmission nodes means includes one or more repeater access points in communication with said data access points to enable long range data communication between data collection and transmission nodes within and outside the broadcast radius of said data access points. (col.5, lines 43-65)

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12. The combination wireless and wired secure token access distributed network system according to claim 1, wherein said network system controller means includes a central network system controller in wired communication with several peripheral network system controllers for the purpose of centrally gathering data transmissions from multiple data access points in communication with multiple data collection and transmission nodes. (col.5, lines 43-65)

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffrey C. Pwu whose telephone number is 571-272-6798. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Wiley can be reached on 571-272-3923. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



3/17/06

**JEFFREY PWU**  
**PRIMARY EXAMINER**